UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,339	07/28/2003	Thomas G. Woolston	13466-006002	6296

20985 7590 04/02/2007	EXAMINER
FISH & RICHARDSON, PC	ENG, DAVID Y
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	ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55440-1022	2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/629,339	WOOLSTON, THOMAS G.
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 March 2007_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _20-33_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-19_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _28 July 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08) Paper No(s)/Mail Date _7/28/03 & 3/5/04_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 20070328

Applicants are requested to update the status of parent application 09/422,058

on page 1 of the specification.

In response to the restriction requirement on 2/9/2007, Applicants elected Group

1 claims 1-19 to be examined. Non-elect 20-33 are therefore withdrawn from

consideration. Applicants are requested to cancel claims 20-33.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention.

The specification fails to disclose what a context-sensitive processing array does

and how to render a router to be used as a context-sensitive processing array. The

specification fails to explain how the method as recited in the claims would render a

router to be used as a context-sensitive processing array.

The specification fails to disclose how to program a router which is commonly for

routing based on addresses in the header of a packet such that the router is able to

select data packets based on selection criteria in the header that correspond to

information descriptive of data contained in a payload of the data packet and such that

the selecting process organizes the encoded information into a predetermined hierarchy

of information based on the selection criteria as recited in independent claim 1.

Applicants are requested to identify the router, the context-sensitive processing

array and the explanation of the method recited in claim 1 in the specification and the

drawings. Applicants are requested to identify in the specification the disclosure of the

information encoded in the header descriptive of data contained in a payload of the data

packet.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In line 3 of claim 1, it appears that "packed" should be "packet".

The preamble of independent claim 1 calls for a method for using a router as a

context-sensitive processing array, however, the wherein clause recites that the method

is performed at the context-sensitive processing array. It appears that a method

purports to be performed at the context-sensitive processing array would not render a

router to be used as a context-sensitive processing array.

With respect to the last paragraph of claim 1, it is not seen how the act of

selecting would result in organizing the encoded information into a predetermined

hierarchy of information as recited therein.

It is not seen how the method as recited would render a router to be used as a

context-sensitive array.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almulhem (USP 6,574,230)

See at least the abstract and the description of the third aspect in lines 51 et seq. of column 3. Almulhem teaches:

A method for using a router (see "router" in line 52 of column 3) as a context-sensitive processing array (sorting) wherein a header (line 64 of column 3) of a data packet is encoded with information (packet sequence identifier line 65 column 3) descriptive of data contained in a payload of the data packet and the data packed is encapsulated (see "encapsulates" in line 63 of column 3) into another packet for transport across a network to an ingress point of the context-sensitive processing array, the method performed at the context-sensitive processing array comprising:

un-encapsulating (inherent in encapsulated packet) the data packet and placing the data packet onto a broadcast medium such that one or more routers can receive the data packet substantially simultaneously;

programming at least one router to select data packets (sorting data packets) from the broadcast medium based on selection criteria that correspond to the encoded information in the packet header and;

selecting the encoded packets based on encoded information in the header, the selecting process organizing the encoded information into a predetermined hierarchy of information based on the selection criteria (obvious), the resulting organization corresponding to one or more of the following: taxonomic classification, geographic location information, identity of the source of origin of a goods in commerce, type of goods or service offered in commerce, and brand name for a goods or services offered in commerce.

Almulhem teaches sorting in accordance with packet sequence. Almulhem does not teach that selecting would result in organizing the encoded information into a predetermined hierarchy of information. It would have obvious to a person or ordinary skill in the art to associate the packet sequence (selection criteria) of Almulhem with selection criteria recited in the last 3 lines of claim 1 so that the sorting in accordance with packet sequence identifier in Almulhem would result in organizing the encoded information into a predetermined hierarchy of information.

As to claims 2-19, the limitations in the wherein clauses have no functional effect on the method steps.

Shinohara (USP 7,177,309 filing date 9/5/2001) is cited for the teaching of a sorting network having routers for sorting on the basis of labels added to the packets (abstract).
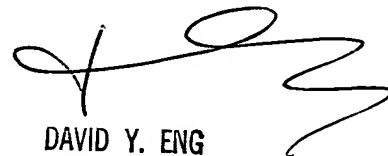
Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID Y. ENG whose telephone number is 571-272-3984. The examiner can normally be reached on M-F from 8AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SALEH NAJJAR, can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID Y. ENG
PRIMARY EXAMINER